

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34578

STATE OF IDAHO,)	2008 Unpublished Opinion No. 540
)	
Plaintiff-Respondent,)	Filed: July 9, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
ERIC LYNN TRACY,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of five years, for sexual battery of a minor child sixteen or seventeen years of age, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Eric Lynn Tracy was convicted of sexual battery of a minor child sixteen or seventeen years of age, Idaho Code § 18-1508A. The district court imposed a unified sentence of fifteen years, with a minimum period of confinement of five years. Tracy appeals, contending that the sentence is excessive and that the district court abused its discretion in failing to place him on probation.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho

722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Tracy's judgment of conviction and sentence are affirmed.